

The Commonwealth of Massachusetts

House of Representatives, March 25, 2009.

The House committee on Ethics reports, under the provisions of Rule 16, a
“Committee Bill improving the laws relating to ethics and lobbying” (House, No. 3853).

For the committee,

PETER V. KOCOT/S/

Membership of the committee on Ethics.

Representatives (required signatures – 8):

PETER V. KOCOT/S/

Peter V. Kocot

LIDA E. HARKINS/S/

Lida E. Harkins

A. STEPHEN TOBIN/S/

A. Stephen Tobin

JAMES E. VALLEE/S/

James E. Vallee

KATHI-ANNE REINSTEIN/S/

Kathi-Anne Reinstein

PATRICIA A. HADDAD/S/

Patricia A. Haddad

Representatives (continued)

JEFFREY SÁNCHEZ/S/

Jeffrey Sánchez

JEFFREY DAVIS PERRY/S/

Jeffrey Davis Perry

F. JAY BARROWS/S/

F. Jay Barrows

BRADFORD HILL/S/

Bradford Hill

ELIZABETH POIRIER/S/

Elizabeth Poirier



The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

AN ACT IMPROVING THE LAWS RELATING TO ETHICS AND LOBBYING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1.** Section 39 of said chapter 3 of the General
2 Laws, as appearing in the 2006 Official Edition, is hereby
3 amended by striking out the definition of "Client" and
4 inserting in place thereof the following definition:-

5 "Client", any person, corporation, partnership,
6 association, or other entity that contracts with another
7 person, corporation, partnership, association, or other
8 entity to receive lobbying services.

9 **SECTION 2.** Said section 39 of said chapter 3 of the General
10 Laws, as so appearing, is hereby further amended by

11 striking out the definition of "Executive agent" and
12 inserting in place thereof the following definitions:-
13 "Executive agent", a person who for compensation or reward
14 engages in executive lobbying, which includes at least one
15 communication with a government employee. The term
16 "executive agent" shall include a person who, as part of
17 his regular and usual business or professional activities
18 and not simply incidental thereto, engages in executive
19 lobbying, whether or not any compensation in addition to
20 the salary for such activities is received for such
21 services. For the purposes of this definition a person
22 shall be presumed to be engaged in executive lobbying that
23 is simply incidental to his regular and usual business or
24 professional activities if he: (i) engages in executive
25 lobbying for not more than 10 hours during any reporting
26 period; or (ii) receives less than \$2,500 during any
27 reporting period for executive lobbying.
28 "Executive lobbying," any act to influence or to attempt to
29 influence the decision of any officer or employee of the
30 executive branch or an authority, including but not limited
31 to, statewide constitutional officers and employees
32 thereof, where such decision concerns legislation or the
33 adoption, defeat or postponement of a standard, rate, rule
34 or regulation promulgated pursuant to any general or

35 special law, or any act to communicate directly with a
36 covered executive official to influence a decision
37 concerning policy or procurement; provided further, that
38 executive lobbying shall include acts to influence or
39 attempt to influence the decision of any officer or
40 employee of a city or town when those acts are intended to
41 carry out a common purpose with executive lobbying at the
42 state level; and provided further, that executive lobbying
43 shall include strategizing, planning, research, and other
44 background work if performed in connection with, or for use
45 in, an actual communication with a government employee.

46 **SECTION 3.** Said section 39 of said chapter 3 of the General
47 Laws, as so appearing, is hereby further amended by
48 striking out the definition of "Legislative agent" and
49 inserting in place thereof the following definitions:-
50 "Legislative agent", a person who for compensation or
51 reward engages in legislative lobbying, which includes at
52 least one communication with a government employee. The
53 term "legislative agent" shall include a person who, as
54 part of his regular and usual business or professional
55 activities and not simply incidental thereto, engages in
56 legislative lobbying, whether or not any compensation in
57 addition to the salary for such activities is received for
58 such services. For purposes of this definition a person

shall be presumed to be engaged legislative lobbying that is simply incidental to his regular and usual business or professional activities if he: (i) engages in legislative lobbying for not more than 10 hours during any reporting period; or (ii) receives less than \$2,500 during any reporting period for legislative lobbying.

"Legislative lobbying," any act to monitor, promote, oppose or influence legislation, or to monitor, promote, oppose or influence the governor's approval or veto thereof including, without limitation, any action to influence the introduction, sponsorship, consideration, action or nonaction with respect to any legislation; provided further, that legislative lobbying shall include acts to influence or attempt to influence the decision of any officer or employee of a city or town when those acts are intended to carry out a common purpose with legislative lobbying at the state level; and provided further, that legislative lobbying shall include strategizing, planning, research, and other background work if performed in connection with or for use in an actual communication with a government employee.

SECTION 4. Section 41 of said chapter 3 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

83 The state secretary shall offer educational seminars
84 on the requirements of sections 39 to 50, inclusive, for
85 all legislative agents and executive agents. The seminars
86 shall be conducted in-person or offered online through the
87 state secretary's website. All legislative and executive
88 agents shall: (i) before registering with the state
89 secretary and annually thereafter, complete an in-person or
90 online seminar offered by the state secretary; and (ii)
91 complete an in-person or online seminar offered by the
92 state secretary upon any material change to sections 39 to
93 50, inclusive, or any regulations promulgated pursuant
94 thereto. The superintendent of the bureau of state office
95 buildings shall, upon request of the state secretary,
96 provide at no cost to the state secretary suitable
97 facilities for such seminars. The state secretary shall
98 adopt regulations for the administration and enforcement of
99 this section.

100 **SECTION 5.** Said section 41 of said chapter 3 of the General
101 Laws, as so appearing, is hereby amended by striking out
102 the last paragraph and inserting in place thereof the
103 following 3 paragraphs:-

104 Upon registration, the state secretary shall issue to
105 each legislative agent and executive agent a license which
106 shall entitle the holder to act as a legislative agent and

107 executive agent for a client that has filed a registration
108 statement pursuant to this section. A nontransferable
109 identification card shall evidence this license and shall
110 include the agent's name and photograph. Each license
111 shall expire on December 31 of each year. Out-of-state
112 legislative agents and executive agents shall submit 3
113 passport-sized photographs to the state secretary upon
114 registration.

115 The state secretary shall promulgate regulations
116 pursuant to chapter 30A for administration and enforcement
117 of sections 39 to 50, inclusive.

118 The state secretary shall, upon written request from a
119 person who is or may be subject to sections 39 to 50,
120 inclusive, render advisory opinions on the requirements of
121 those sections. An opinion rendered by the state secretary,
122 unless amended or revoked, shall be a defense in a criminal
123 action brought pursuant to sections 39 to 50, inclusive,
124 and shall be binding on the state secretary, the attorney
125 general or the district attorney in any subsequent
126 proceedings concerning the person who requested the opinion
127 and who acted in good faith, unless material facts were
128 omitted or misstated by the person in the request for an
129 opinion. Such requests shall be confidential; provided,
130 however, that the state secretary may publish such opinions

131 if the name of the requesting person and any other
132 identifying information is not included in such publication
133 unless the requesting person consents to such inclusion.

134 **SECTION 6.** Section 43 of said chapter 3 of the General
135 Laws, as so appearing, is hereby amended by striking out,
136 in line 4, the words "appearing on the docket"

137 **SECTION 7.** Said section 43 of said chapter 3 of the General
138 Laws, as so appearing, is hereby further amended by
139 striking out the third paragraph and inserting in place
140 thereof the following paragraph:-

141 Every legislative agent and executive agent shall
142 include in the statement required by this section for the
143 relevant reporting period: (1) the identification of each
144 client for whom the legislative or executive agent provided
145 lobbying services; (2) a list of all bill numbers and names
146 of legislation and other governmental action that the
147 executive or legislative agent acted to monitor, promote,
148 oppose or influence; (3) a list of all line-item numbers in
149 any appropriation bill that the executive or legislative
150 agent acted to monitor, promote, oppose or influence; (4) a
151 statement of the executive or legislative agent's position,
152 if any, on each such bill, line item or other governmental
153 action; (5) the identification of the client or clients on
154 whose behalf the executive or legislative agent was acting

with respect to each such bill, line item or governmental action; (6) the amount of compensation received for executive or legislative lobbying from each client with respect to such lobbying services; and (7) all direct business associations with public officials. The disclosure shall be required regardless of whether the legislative agent or executive agent specifically referenced the bill number or name, line item number or other governmental action while acting to promote, oppose or influence legislation, and shall be as complete as practicable.

SECTION 8. The fourth paragraph of said section 43 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Said penalty shall be in the amount of \$50 per day up to the twentieth day and an additional \$100 per day for every day after the twentieth day until the statement is filed. The state secretary may waive the above penalties for good cause.

SECTION 9. Said chapter 3 of the General Laws is hereby further amended by striking out section 45 and inserting in place thereof the following section:-

Section 45. (a) Upon receipt of a sworn complaint signed under pains and penalties of perjury, or upon receipt of

179 evidence which is deemed sufficient by the state secretary,
180 the state secretary shall initiate a preliminary inquiry
181 into any alleged violation of sections 39 to 50, inclusive.
182 At the commencement of a preliminary inquiry into any such
183 alleged violation, the state secretary shall notify the
184 attorney general. All proceedings and records relating to a
185 preliminary inquiry or initial staff review used to
186 determine whether to initiate an inquiry shall be
187 confidential, except that the state secretary may provide
188 to: (1) the attorney general, the United States Attorney or
189 a district attorney of competent jurisdiction evidence
190 which may be used in a criminal proceeding; (2) the
191 inspector general information concerning fraud, waste, or
192 abuse in the expenditure of public funds; (3) the state
193 ethics commission concerning violations of chapters 268A
194 and 268B; and (4) the director of the office of campaign
195 and political finance information concerning violations of
196 chapter 55. Any information provided by the state secretary
197 pursuant to this section shall be confidential pursuant to
198 this section and section 4 of chapter 268B, except that
199 such information may be used by the officer or agency to
200 whom it was provided in any investigation or subsequent
201 proceedings. The state secretary shall notify any person
202 who is the subject of the preliminary inquiry of the

203 existence of such inquiry and the general nature of the
204 alleged violation within 30 days of the commencement of the
205 inquiry.

206 (b) If a preliminary inquiry fails to indicate
207 reasonable cause for belief that there has been a violation
208 of sections 39 to 50, inclusive, the state secretary shall
209 immediately terminate the inquiry and shall within 10 days
210 so notify, in writing, the complainant, if any, and the
211 person who had been the subject of the inquiry.

212 (c) If a preliminary inquiry indicates reasonable
213 cause for belief that there has been a violation of
214 sections 39 to 50, inclusive, the state secretary may
215 initiate an adjudicatory proceeding to determine whether
216 there has been such a violation.

217 (d) The state secretary may require by summons the
218 attendance and testimony of witnesses and the production of
219 books, papers and other records relating to any matter
220 being investigated pursuant to sections 39 to 50,
221 inclusive. Such summons may be issued by the state
222 secretary and shall be served in the same manner as
223 summonses for witnesses in criminal cases, issued on behalf
224 of the commonwealth and all the provisions of law relative
225 to summonses issued in such cases shall apply to summonses
226 issued under this section so far as applicable. Any justice

227 of the supreme judicial court or the superior court may
228 upon application by the state secretary compel the
229 attendance of witnesses summoned as aforesaid and the
230 giving of testimony under oath before said director in
231 furtherance of any investigation in the same manner and to
232 the same extent as before said courts.

233 (e) The state secretary, or his designee, may
234 administer oaths and may hear testimony or receive other
235 evidence in any proceeding.

236 (f) All testimony in an adjudicatory proceeding shall
237 be under oath. All parties shall have the right to call and
238 examine witnesses, to introduce exhibits, to cross-examine
239 witnesses who testify, to submit evidence, and to be
240 represented by counsel. Before testifying, all witnesses
241 shall be given a copy of the regulations governing
242 adjudicatory proceedings.

243 (g) Any person whose name is mentioned during an
244 adjudicatory proceeding of the state secretary and who may
245 be adversely affected thereby may appear personally before
246 the state secretary on his own behalf, with or without
247 counsel, to give a statement in opposition to such adverse
248 mention or file a written statement of such opposition for
249 incorporation into the record of the proceeding.

250 (h) All adjudicatory proceedings of the state
251 secretary pursuant to this section shall be public and
252 shall be subject to chapter 30A.

253 (i) Within 30 days after completion of deliberations,
254 the state secretary shall publish a written report of his
255 findings and conclusions.

256 (j) Upon a finding pursuant to an adjudicatory
257 proceeding that there has been a violation, the state
258 secretary may issue an order: (1) requiring the violator to
259 cease and desist such violation; (2) requiring the violator
260 to file any report, statement or other information as
261 required by sections 39 to 50, inclusive; (3) suspending
262 for a specified period or revoking the license and
263 registration of the violator; or (4) requiring the violator
264 to pay a civil penalty of not more than \$10,000 for each
265 violation.

266 The state secretary may file a civil action in
267 superior court to enforce this order.

268 (k) Final action by the state secretary under this
269 section shall be subject to review in superior court upon
270 petition of any party in interest filed within 30 days
271 after the action for which review is sought. The court
272 shall enter a judgment enforcing, modifying, or setting
273 aside the order of the state secretary, or it may remand

the proceedings to the state secretary for such further action as the court may direct. If the court modifies or sets aside the state secretary's order or remands the proceedings to the state secretary, the court shall determine whether such modification, set aside, or remand is substantial. If the court does find such modification, set aside, or remand to be substantial, the petitioner shall be entitled to be reimbursed from the treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by him in the defense of the charges contained in the proceedings. The amount of such reimbursement shall be awarded by the court but shall not exceed \$20,000 per person, per case.

(1) Any person who violates the confidentiality of an inquiry under this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

SECTION 10. Section 47 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out, in lines 4 and 5, inclusive, the words "whose name appears upon the docket"

SECTION 11. The second paragraph of said section 47 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the second sentence and

298 inserting in place thereof the following sentence:- This
299 penalty shall be in the amount of \$50 per day up to the
300 twentieth day and an additional \$100 per day for every day
301 after the twentieth day until the statement is filed. The
302 state secretary may waive these penalties for good cause.

303 **SECTION 12.** Section 48 of chapter 3 of the General Laws, as
304 so appearing, is hereby amended by striking out, in line 3,
305 the words "five thousand dollars" and inserting in place
306 thereof the following words:- \$10,000, or by imprisonment
307 in the state prison for not more than 5 years, or in a jail
308 or house of correction for not more than 2 1/2 years, or
309 both

310 **SECTION 13.** Section 49 of said chapter 3 of the General
311 Laws, as so appearing, is hereby amended by inserting after
312 the first sentence the following 2 sentences:- The supreme
313 judicial court or superior court may, upon application of
314 the attorney general, grant equitable or mandamus relief to
315 enforce sections 41 through 43, inclusive, prohibiting the
316 offering or giving of or paying for gifts, meals,
317 beverages, or other items. Relief under this section may
318 include (a) an order to pay to the commonwealth an amount
319 equal to the value of any compensation or thing paid or
320 received in violation of section 42, or the value of any
321 gift, meal, beverage, or other item given or received in

322 violation of section 43; and (b) a civil penalty of up to
323 \$10,000 for each violation of sections 41 through 47,
324 inclusive.

325 **SECTION 14.** Section 9 of chapter 53 of the General Laws, as
326 so appearing, is hereby amended by striking out, in lines
327 21 through 22, inclusive, and 25, the words "fifty-five A"
328 and inserting in place thereof, in each instance, the
329 following figure:- 55C

330 **SECTION 15.** Said section 1 of said chapter 55 is hereby
331 further amended by striking out, in line 55, the words "and
332 (6)" and inserting in place thereof the following words:-
333 (6) any donations received or payments made by a legal
334 defense, inaugural or recount fund established pursuant to
335 section 18E; and (7)

336 **SECTION 16.** The eighth paragraph of section 3 of said
337 chapter 55 of the General Laws, as so appearing, is hereby
338 amended by adding the following two sentences:- The name of
339 a candidate who fails to file any statement or report after
340 receiving notice under this section of such failure and who
341 continues to fail to file such statement or report after
342 the institution of civil proceedings under this section to
343 compel such filing shall not appear on a state ballot after
344 the initiation of such civil proceedings, until such time
345 as the statement or report is filed, and the director shall

346 inform the state secretary of such failure prior to the
347 deadline for filing nomination papers with the state
348 secretary for such candidate pursuant to chapter 53. Any
349 candidate who files such statement or report with the
350 director after the deadline for filing nomination papers
351 with the secretary shall not be allowed on the state
352 ballot.

353 **SECTION 17.** Said section 3 of chapter 55 of the General
354 Laws, as so appearing, is hereby further amended by
355 inserting, after the word "requested,", in line 111, the
356 following words:- by personal delivery, by leaving a copy
357 of the notice at the person's last and usual place of
358 residence or by delivering a copy of the notice to an
359 attorney who has appeared on behalf of the alleged
360 violator,

361 **SECTION 18.** The eleventh paragraph of said section 3 of
362 chapter 55, as so appearing, is hereby further amended by
363 striking the last sentence and inserting in place thereof
364 the following three sentences:- For a candidate who is
365 holding elective office whose term of office is 3 or more
366 years, for the treasurer of the political committee
367 organized on behalf of such candidate, or for any person or
368 entity supporting or opposing such candidate, evidence of
369 any violation of this chapter, if submitted to the attorney

370 general prior to the next election for the office held by
371 the candidate that occurs after the violation, shall be
372 submitted no later than 2 years prior to such election, and
373 if submitted after the election, such evidence may not be
374 submitted more than 3 years after said election. For all
375 other persons or entities under investigation for
376 violations relating to an identifiable election, evidence
377 of any violation of this chapter shall be presented by the
378 director to the attorney general only after the next
379 relevant election, but within 3 years after said election.
380 If the evidence does not relate to an identifiable
381 election, referral shall take place within 3 years of the
382 violation.

383 **SECTION 19.** The twelfth paragraph of said section 3 of said
384 chapter 55 of the General Laws, as so appearing, is hereby
385 further amended by striking out the second sentence and
386 inserting in place thereof the following sentence:- Said
387 civil penalty shall be in the amount of \$25 per day;
388 provided, however, that the maximum penalty the director
389 may assess shall be no greater than \$5,000 for any one
390 report, statement or affidavit which is filed later than
391 the prescribed date.

392 **SECTION 20.** Section 8 of said chapter 55 of the General
393 Laws, as so appearing, is hereby amended by inserting after

394 the word "business", in line 7, the following words:- or
395 professional

396 **SECTION 21.** Section 18 of said chapter 55 of the General
397 Laws, as so appearing, is hereby amended by striking out
398 the first paragraph, and inserting in place thereof the
399 following paragraph:-

400

401 Each candidate and each treasurer of a political
402 committee shall, except as provided in this section and
403 section 24, file with the director. Candidate's and
404 committees organized on behalf of candidates seeking public
405 office at a municipal election shall file with the director
406 if the candidate is seeking the office of mayor in a
407 municipality with a total population, as determined by the
408 most recent decennial federal census, of between 40,000 and
409 100,000 persons, or if the committee is required to file
410 with the director pursuant to section 19. All other
411 candidates seeking public office at a city or town election
412 shall file reports with the city or town clerk. A committee
413 organized under section 5 to favor or oppose a question
414 submitted to the voters shall file its reports with the
415 director if the question appears on ballots at a state
416 election, or with the city or town clerk if the question
417 appears on ballots at a city or town election or for use in

418 a city or town or at a state election. Reports of
419 contributions received and expenditures made shall be filed
420 using forms prescribed by the director.

421 **SECTION 22.** The second paragraph of said section 18 of
422 said chapter 55 of the General Laws, as so appearing, is
423 hereby amended by striking clause (a) and inserting in
424 place thereof the following clause:-

425 (a) by each candidate for nomination or election to the
426 state senate or house of representatives, and by the non-
427 elected political committee organized on behalf of such
428 candidate, on or before: (i) the twentieth day of July
429 complete as to the thirtieth day of June; (ii) the eighth
430 day preceding a primary, the eighth day preceding a
431 biennial state election, and, as a final report, the
432 twentieth day of January in the following year complete as
433 to the thirty-first day of December of the prior year; and
434 (iii) the eighth day preceding a special primary, including
435 a convention or a caucus, the eighth day preceding a
436 special election, the thirtieth day following a special
437 election, and, as a final report, the twentieth day of
438 January in the following year complete as to the thirty-
439 first day of December of the prior year.

440 **SECTION 23.** Said section 18 of said chapter 55 of the
441 General Laws, as so appearing, is hereby amended by

striking out, in line 102 the word "January." and inserting in place thereof the following words:- January; provided however, that candidates for the state senate or house of representatives, the nonelected political committees organized on behalf of such candidates, and political action committees, shall also file mid-year reports on or before the twentieth day of July in each year.

SECTION 24. The third paragraph of said section 18 of said chapter 55 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- For all candidates and all political committees, if said report is not an initial report, the reporting period of such reports required to be filed on or before the twentieth day of July in each year shall commence on the first day of January of that year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the thirtieth day of June of said year. The reporting period for the report required to be filed on or before the twentieth day of January in each year shall commence on the first day of July of the prior year, or on the day following the end of the reporting period of the last report filed, if any,

whichever period is shorter, and shall end as of the
thirty-first day of December of said prior year.

SECTION 25. Said chapter 55 is hereby further amended by
inserting after section 18C the following new sections:-

Section 18D. (a) For the purpose of this section the
following words shall, unless the context clearly requires
otherwise, have the following meanings:

"Expenditure", any payment made or liability incurred by a
vendor on behalf of a political committee.

"Person", a natural person, corporation, association,
partnership or other legal entity.

"Subvendor", a person providing goods or services to a
vendor or who contracts with a vendor to provide goods or
services to a committee.

"Vendor", any person including, but not limited to, a
consultant, who provides goods or services to a political
committee that files with the director and either receives
or is promised \$5,000 or more in the aggregate during a
calendar year by the committee for such goods or services,
or contracts with another on behalf of the committee for
such goods or services valued at \$5,000 or more in the
aggregate to be provided to the committee.

(b) A vendor that makes an expenditure on behalf of a
political committee shall provide the political committee

with a detailed account of the expenditure including, but not limited to, the date of the expenditure, the person who received payment, the full name and address of the subvendor, the purpose of the expenditure, and the amount of the expenditure, within 5 days of making such expenditure.

(c) A political committee that makes a payment to a vendor or incurs a liability to a vendor shall file reports with the director disclosing the full name and address, listed alphabetically, of each subvendor receiving payments of more than \$500 in the aggregate during a calendar year from the vendor, and of each subvendor to whom a liability of more than \$500 was incurred. The contents of such report shall include the information required by section 18 and be disclosed on a form prescribed by the director.

For committees required to designate a depository account under section 19, the reports must be filed on or before the fifth day of each month covering the preceding month; for other committees, the report must be filed in accordance with the schedule established by section 18.

(d) Vendors shall keep detailed accounts of all expenditures made on behalf of political committees.

Section 18E. Legal defense funds may be created by a candidate or the candidate's political committee to defend

513 against a criminal prosecution, or to pay costs associated
514 with a civil matter that is not primarily personal in
515 nature. Inauguration funds may be created by a candidate
516 or the candidate's political committee to pay for the costs
517 associated with an inaugural event. Recount funds may be
518 created by a candidate or candidate's political committee
519 to pay for the legal or other costs associated with a
520 recount. Legal defense, inauguration, or recount funds
521 must be created separately from the candidate's campaign
522 account or committee, and are subject to the following
523 conditions: (1) assets of a political committee may not be
524 used by the fund; (2) any donations received by the fund
525 may not be deposited into the candidate's campaign account
526 or a committee account; and (3) donations to such fund may
527 not be used to benefit a political committee.

528 Donations to a legal defense, recount, or inauguration
529 fund, if not "contributions" as that term is defined in
530 section 1, shall be disclosed to the director or, if made
531 by a candidate or committee that does not file with the
532 director, the city or town clerk, on or before the fifth
533 day of the month following the month in which the donations
534 are received, complete as of the last day of the preceding
535 month, on forms to be prescribed by the director. The
536 report shall disclose the name and address of all persons

537 donating more than fifty dollars during the reporting
538 period, listed alphabetically, the amount of each such
539 donation, and the total amount of donations received in the
540 reporting period not otherwise reported.

541 For purposes of this section, the term "donations" shall
542 include donations in money or in-kind, and loans provided
543 to the fund.

544 **SECTION 26.** Section 22 of said chapter 55 of the General
545 Laws, as so appearing, is hereby amended by striking out,
546 in line 1, the word "The" and inserting in place thereof
547 the following words:- "Any person or the"

548 **SECTION 27.** Said section 22 of said chapter 55 of the
549 General Laws, as so appearing, is hereby further amended by
550 inserting after the word "such", in lines 17, 31 and 41,
551 respectively, the following words:- person or

552 **SECTION 28.** Said section 22 of said chapter 55 of the
553 General Laws, as so appearing, is hereby further amended by
554 inserting after the word "Any", in line 38, the following
555 words:- person or

556 **SECTION 29.** Section 24 of said chapter 55 of the General
557 Laws, as so appearing, is hereby amended by inserting after
558 the word "office", in line 3, the following words:- , other
559 than a municipal office for which a candidate is required

560 to file with the director in accordance with section 18C or
561 section 19,

562 **SECTION 30.** Said section 24 of said chapter 55 of the
563 General Laws, as so appearing, is hereby further amended by
564 inserting after the word "statement", in lines 1, 4, 5, 8,
565 9, and 12, respectively, the following words:- or report

566 **SECTION 31.** Said section 24 of said chapter 55 of the
567 General Laws, as so appearing, is hereby further amended by
568 inserting after the word "statements", in lines 13 and 14,
569 respectively, the following words:- and reports

570 **SECTION 32.** Said chapter 55 is hereby further amended by
571 striking out section 29, as so appearing, and inserting in
572 place thereof the following section:-

573 Section 29. Upon failure to file a statement, report or
574 affidavit within 10 days after receiving notice under
575 section 28, the city or town clerk, as the case may be,
576 shall notify the director thereof and shall furnish him
577 with copies of all papers related thereto and the director,
578 if satisfied there is cause, shall assess a penalty and may
579 refer the person or committee to the attorney general
580 pursuant to section 3. If any statement filed with the
581 city or town clerk, as the case may be, discloses any
582 violation of this chapter, such city or town clerk shall
583 notify the director thereof and shall furnish him with

copies of all papers relating thereto. The director shall examine every such case referred to him by such clerk and may refer such cases to the attorney general in accordance with section 3. If satisfied that there is cause, the attorney general shall, in the name of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the proper district attorney for such actions as may be appropriate. Any city or town clerk shall at any time upon the request of the attorney general or the director forward any evidence or information received by such clerk to the attorney general or director for whatever action the attorney general or director deems appropriate pursuant to law.

SECTION 33. Section 4 of chapter 55C of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:-Determination and certification of the eligibility of candidates shall be made by the director on the eighth Tuesday before the primary and shall be based solely upon information contained in such statements as have been filed by candidates. Candidates for governor seeking public financing must file the statement on or before the Friday that is 11 days preceding said eighth Tuesday and other candidates seeking public financing must

file said statements on or before the Friday next preceding said eighth Tuesday.

SECTION 34. The second paragraph of section 6 of said chapter 55C of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- Determination and certification of the eligibility of candidates shall be made by the director on the fourth Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed by candidates. Candidates for governor and lieutenant governor seeking public financing must file the statement on or before the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public financing must file said statements on or before the Friday next preceding said fourth Tuesday.

SECTION 35. Chapter 268 of the General Laws is hereby amended by inserting after section 13D the following section:-

Section 13E. (a) As used in this section the following word shall, unless the context clearly requires otherwise, have the following meaning:

"Official proceeding", a proceeding before a court or grand jury, or a proceeding before a state agency or commission,

632 which proceeding is authorized by law and relates to an
633 alleged violation of a criminal statute or the laws and
634 regulations enforced by the state ethics commission, the
635 state secretary, the office of the inspector general, or
636 the office of campaign and political finance, for which the
637 attorney general may issue a civil investigative demand.

638 (b) Whoever alters, destroys, mutilates, or conceals a
639 record, document, or other object, or attempts to do so,
640 with the intent to impair the record, document or object's
641 integrity or availability for use in an official
642 proceeding, whether or not the proceeding is pending at
643 that time, shall be punished, by (i) a fine of not more
644 than \$10,000, or by imprisonment in the state prison for
645 not more than 5 years, or in a jail or house of correction
646 for not more than 2 1/2 years, or both, or (ii) if the
647 official proceeding involves a violation of a criminal
648 statute, by a fine of not more than \$25,000, or by
649 imprisonment in the state prison for not more than 10
650 years, or in a jail or house of correction for not more
651 than 2 1/2 years, or both.

652 (c) The record, document, or other object need not be
653 admissible in evidence or free of a claim of privilege.

654 (d) A prosecution under this section may be brought in
655 the county where the official proceeding was or would have

656 been convened or where the alleged conduct constituting an
657 offense occurred.

658 **SECTION 36.** Section 2 of chapter 268A of the General Laws,
659 as appearing in the 2006 Official Edition, is hereby
660 amended by striking out, in lines 46 to 49, inclusive, the
661 words "five thousand dollars or by imprisonment in the
662 state prison for not more than three years or in a jail or
663 house of correction for not more than two and one half
664 years, or by both such fine and imprisonment in a jail or
665 house of correction" and inserting in place thereof the
666 following words:- \$100,000, or by imprisonment in the state
667 prison for not more than 10 years, or in a jail or house of
668 correction for not more than 2 1/2 years, or both

669 **SECTION 37.** Section 3 of said chapter 268A of the General
670 Laws, as so appearing, is hereby further amended by
671 striking out, in lines 30 and 31, inclusive, the words
672 "three thousand dollars or by imprisonment for not more
673 than three years, or both" and inserting in place thereof
674 the following words:- \$10,000, or by imprisonment in the
675 state prison for not more than 5 years, or in a jail or
676 house of correction for not more than 2 1/2 years, or both

677 **SECTION 38.** Said section 3 of said chapter 268A of the
678 General Laws, as so appearing, is hereby further amended by
679 adding at the end thereof the following paragraph:-

680 The commission shall adopt regulations: (i) defining
681 "substantial value," provided however that "substantial
682 value" shall not be less than \$50; (ii) establishing
683 exclusions for ceremonial gifts; (iii) establishing
684 exclusions for gifts given solely because of family or
685 friendship; and (iv) establishing additional exclusions for
686 other situations that do not present a genuine risk of a
687 conflict or the appearance of a conflict of interest.

688 **SECTION 39.** Section 4 of said chapter 268A of the General
689 Laws, as so appearing, is hereby amended by striking out,
690 in lines 17 and 18, inclusive, the words "three thousand
691 dollars or by imprisonment for not more than two years, or
692 both" and inserting in place thereof the following words:-
693 \$10,000, or by imprisonment in the state prison for not
694 more than 5 years, or in a jail or house of correction for
695 not more than 2 1/2 years, or both

696 **SECTION 40.** Section 5 of said chapter 268A of the General
697 Laws, as so appearing, is hereby amended by inserting after
698 the word "legislative", in line 26, the following words:-
699 or executive

700 **SECTION 41.** Said section 5 of said chapter 268A of the
701 General Laws, as so appearing, is hereby further amended by
702 inserting after the word "body", in line 28, the following
703 words:- , as determined by the commission

704 **SECTION 42.** Said section 5 of said chapter 268A of the
705 General Laws, as so appearing, is hereby further amended by
706 striking out, in lines 41 and 42, inclusive, the words
707 "three thousand dollars or by imprisonment for not more
708 than two years, or both" and inserting in place thereof the
709 following words:- \$10,000, or by imprisonment in the state
710 prison for not more than 5 years, or in a jail or house of
711 correction for not more than 2 1/2 years, or both

712 **SECTION 43.** Section 6 of said chapter 268A of the General
713 Laws, as so appearing, is hereby amended by striking out,
714 in lines 7 and 8, inclusive, the words "three thousand
715 dollar or by imprisonment for not more than two years, or
716 both" and inserting in place thereof the following words:-
717 \$10,000, or by imprisonment in the state prison for not
718 more than 5 years, or in a jail or house of correction for
719 not more than 2 1/2 years, or both

720 **SECTION 44.** Section 7 of said chapter 268A of the General
721 Laws, as so appearing, is hereby amended by striking out,
722 in lines 5 and 6, inclusive, the words "three thousand
723 dollar or by imprisonment for not more than two years, or
724 both" and inserting in place thereof the following words:-
725 \$10,000, or by imprisonment in the state prison for not
726 more than 5 years, or in a jail or house of correction for
727 not more than 2 1/2 years, or both

SECTION 45. Section 8 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 17 and 18, inclusive, the words "five thousand dollars or by imprisonment for not more than two years, or both" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 46. Said chapter 268A is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. (a) In addition to any other remedies provided by law, any violation of sections 2 to 8, inclusive, which has substantially influenced the action taken by any state agency in any particular matter, shall be grounds for avoiding, rescinding or canceling the action on such terms as the interests of the commonwealth and innocent third persons require.

(b) In addition to the remedies set forth in subsection (a), the state ethics commission upon a finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of sections 2 to 8, inclusive, or section 23, may issue an order: (1) requiring the violator to pay the commission on behalf of

the commonwealth damages in the amount of the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the written approval of the attorney general, the commission may order payment of additional damages in an amount not exceeding twice the amount of the economic advantage or \$500, and payment of such additional damages shall bar any criminal prosecution for the same violation.

The maximum damages that the commission may order a violator to pay under this section shall be \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

(c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the state ethics commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

SECTION 47. Section 11 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 and 17, inclusive, the words "three thousand dollars or by imprisonment for not more than two years, or both" and inserting in place thereof the following words:-

776 \$10,000, or by imprisonment in the state prison for not
777 more than 5 years, or in a jail or house of correction for
778 not more than 2 1/2 years, or both

779 **SECTION 48.** Section 12 of said chapter 268A of the General
780 Laws, as so appearing, is hereby amended by striking out,
781 in lines 24 and 25, inclusive, the words "three thousand
782 dollars or by imprisonment for not more than two years, or
783 both" and inserting in place thereof the following words:-

784 \$10,000, or by imprisonment in the state prison for not
785 more than 5 years, or in a jail or house of correction for
786 not more than 2 1/2 years, or both

787 **SECTION 49.** Section 13 of said chapter 268A of the General
788 Laws, as so appearing, is hereby amended by striking out,
789 in lines 7 and 8, inclusive, the words "three thousand
790 dollars or by imprisonment for not more than two years, or
791 both" and inserting in place thereof the following words:-

792 \$10,000, or by imprisonment in the state prison for not
793 more than 5 years, or in a jail or house of correction for
794 not more than 2 1/2 years, or both

795 **SECTION 50.** Section 14 of said chapter 268A of the General
796 Laws, as so appearing, is hereby amended by striking out,
797 in lines 5 and 6, inclusive, the words "three thousand
798 dollars or by imprisonment for not more than two years, or
799 both" and inserting in place thereof the following words:-

800 \$10,000, or by imprisonment in the state prison for not
801 more than 5 years, or in a jail or house of correction for
802 not more than 2 1/2 years, or both

803 **SECTION 51.** Said chapter 268A of the General Laws is hereby
804 further amended by striking out section 15 and inserting in
805 place thereof the following section:-

806 Section 15. (a) In addition to any other remedies provided
807 by law, a violation of sections 2, 3, 8, or 11 to 14,
808 inclusive, which has substantially influenced the action
809 taken by any county agency in any particular matter, shall
810 be grounds for avoiding, rescinding, or canceling the
811 action on such terms as the interests of the county and
812 innocent third persons require.

813 (b) In addition to the remedies set forth in subsection
814 (a), the commission may, upon a finding pursuant to an
815 adjudicatory proceeding that a person has acted to his
816 economic advantage in violation of sections 2, 3, 8, 11 to
817 14, inclusive, or 23 issue an order (1) requiring the
818 violator to pay the commission on behalf of the county
819 damages in the amount of the economic advantage or \$500,
820 whichever is greater; and (2) requiring the violator to
821 make restitution to an injured third party. If there has
822 been no final criminal judgment of conviction or acquittal
823 of the same violation, upon receipt of the written approval

of the attorney general and the district attorney, the commission may order payment of additional damages in an amount not exceeding twice the amount of the economic advantage or \$500, and payment of such additional damages shall bar any criminal prosecution for the same violation.

The maximum damages that the commission may order a violator to pay under this section shall be \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

(c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

SECTION 52. Section 17 of said chapter 268A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 16 and 17, inclusive, the words "three thousand dollars or by imprisonment for not more than two years, or both" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

847 **SECTION 53.**Section 18 of said chapter 268A of the General
848 Laws, as so appearing, is hereby amended by striking out,
849 in lines 22 and 23, inclusive, the words "three thousand
850 dollars or by imprisonment for not more than two years, or
851 both" and inserting in place thereof the following words:-
852 \$10,000, or by imprisonment in the state prison for not
853 more than 5 years, or in a jail or house of correction for
854 not more than 2 1/2 years, or both

855 **SECTION 54.** Section 19 of said chapter 268A of the General
856 Laws, as so appearing, is hereby amended by striking out,
857 in lines 7 and 8, inclusive, the words "three thousand
858 dollars or by imprisonment for not more than two years, or
859 both" and inserting in place thereof the following words:-
860 \$10,000, or by imprisonment in the state prison for not
861 more than 5 years, or in a jail or house of correction for
862 not more than 2 1/2 years, or both

863 **SECTION 55.** Section 20 of said chapter 268A of the General
864 Laws, as so appearing, is hereby amended by striking out,
865 in lines 5 and 6, inclusive, the words "three thousand
866 dollars or by imprisonment for not more than two years, or
867 both" and inserting in place thereof the following words:-
868 \$10,000, or by imprisonment in the state prison for not
869 more than 5 years, or in a jail or house of correction for
870 not more than 2 1/2 years, or both

SECTION 56. Said chapter 268A is hereby further amended by striking out section 21 and inserting in place thereof the following section:-

Section 21. (a) In addition to any other remedies provided by law, a finding by the commission pursuant to an adjudicatory proceeding that there has been any violation of sections 2, 3, 8, or 17 to 20, inclusive, which has substantially influenced the action taken by any municipal agency in any particular matter, shall be grounds for avoiding, rescinding, or canceling the action of said municipal agency upon request by said municipal agency on such terms as the interests of the municipality and innocent third persons require.

(b) In addition to the remedies set forth in subsection (a), the commission may, upon a finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of sections 2, 3, 8, 17 to 20, inclusive, or 23, may issue an order (1) requiring the violator to pay the commission on behalf of the municipality damages in the amount of the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the

895 written approval of the district attorney, the commission
896 may order payment of additional damages in an amount not
897 exceeding twice the amount of the economic advantage or
898 \$500, and payment of such additional damages shall bar any
899 criminal prosecution for the same violation.

900 The maximum damages that the commission may order a
901 violator to pay under this section shall be \$25,000. If the
902 commission determines that the damages authorized by this
903 section exceed \$25,000, it may bring a civil action against
904 the violator to recover such damages.

905 (c) The remedies authorized by this section shall be
906 in addition to any civil penalty imposed by the commission
907 in accordance with clause (3) of subsection (j) of section
908 4 of chapter 268B.

909 **SECTION 57.** Section 23 of said chapter 268A of the General
910 Laws, as appearing in the 2006 Official Edition, is hereby
911 amended by striking out, in line 21, the word "conclusion."
912 and inserting in place thereof the following words:-

913 conclusion;

914 (4) present a false or fraudulent claim to his employer for
915 any payment or benefit of substantial value.

916 **SECTION 58.** Said section 23 of said chapter 268A of the
917 General Laws, as so appearing, is hereby further amended by
918 striking out subsection (f).

919 **SECTION 59.** Said chapter 268A is hereby further amended by
920 inserting at the end thereof the following 4 sections:-
921 Section 26. Any person who, with fraudulent intent,
922 violates subsection (b)(1), (b)(2) or (c) of section 23,
923 and any person who, with fraudulent intent, causes any
924 other person to violate subsection (b)(1), (2) or (c) of
925 Section 23 shall be punished by a fine of not more than
926 \$10,000, or by imprisonment in the state prison for not
927 more than 5 years, or in a jail or house of correction for
928 not more than 2 1/2 years, or by both such fine and
929 imprisonment.

930 Section 27. The commission shall prepare, and update as
931 necessary, summaries of this chapter for state, county, and
932 municipal employees, respectively, which the commission
933 shall publish on its official website. Every state, county,
934 and municipal employee shall, within 30 days of becoming
935 such an employee, and on an annual basis thereafter, be
936 furnished with a summary of this chapter prepared by the
937 commission and sign a written acknowledgment that he has
938 been provided with such a summary. Municipal employees
939 shall be furnished with the summary by, and file an
940 acknowledgment with, the city or town clerk. Appointed
941 state and county employees shall be furnished with the
942 summary by, and file an acknowledgment with, the employee's

943 appointing authority or his designee. Elected state and
944 county employees shall be furnished with the summary by,
945 and file an acknowledgment with, the commission. The
946 commission shall establish procedures for implementing this
947 section and ensuring compliance.

948 Section 28. The state ethics commission shall prepare and
949 update from time to time the following online training
950 programs, which the commission shall publish on its
951 official website:

952 (1) a program which shall provide a general introduction to
953 the requirements of this chapter. Every state, county, and
954 municipal employee shall, within 30 days after becoming
955 such an employee, and every 2 years thereafter, complete
956 the online training program. Upon completion of the online
957 training program, the Commission shall log and maintain an
958 electronic record of completion for 6 years.

959 (2) a program which shall provide information on the
960 requirements of this chapter applicable to former state,
961 county, and municipal employees.

962 The commission shall establish procedures for implementing
963 this section and ensuring compliance.

964 Section 29. Each municipality , acting through its city
965 council, board of selectmen, or board of aldermen, shall
966 designate a senior level employee of the municipality as

967 its liaison to the state ethics commission. The
968 municipality shall notify the commission in writing of any
969 change to such designation within 30 days of such change.
970 The commission shall disseminate information to the
971 designated liaisons and conduct educational seminars for
972 designated liaisons on a regular basis on a schedule to be
973 determined by the commission in consultation with the
974 municipalities.

975 **SECTION 60.** Section 1 of chapter 268B of the General Laws,
976 as appearing in the 2006 Official Edition, is hereby
977 amended by inserting after clause (f) the following
978 clause:-

979 (f 1/2) "executive agent", a person who for compensation or
980 reward engages in executive lobbying, which includes at
981 least one communication with a government employee. The
982 term "executive agent" shall include a person who, as part
983 of his regular and usual business or professional
984 activities and not simply incidental thereto, engages in
985 executive lobbying, whether or not any compensation in
986 addition to the salary for such activities is received for
987 such services. For the purposes of this definition a
988 person shall be presumed to engage in activity covered by
989 this definition in a manner that is simply incidental to
990 his regular and usual business or professional activities

991 if he: (i) engages in any activity or activities covered by
992 this definition for not more than 10 hours during any
993 reporting period; and (ii) receives less than \$2,500 during
994 any reporting period, for any activity or activities
995 covered by this definition;

996 **SECTION 61.** Said section 1 of said chapter 268B of the
997 General Laws, as so appearing, is hereby further amended by
998 striking out clause (k) and inserting in place thereof the
999 following clause:-

1000 (k) "legislative agent", a person who for compensation or
1001 reward engages in legislative lobbying, which includes at
1002 least one communication with a government employee. The
1003 term "legislative agent" shall include a person who, as
1004 part of his regular and usual business or professional
1005 activities and not simply incidental thereto, engages in
1006 legislative lobbying, whether or not any compensation in
1007 addition to the salary for such activities is received for
1008 such services. For purposes of this definition a person
1009 shall be presumed to engage in activity covered by this
1010 definition in a manner that is simply incidental to his
1011 regular and usual business or professional activities if
1012 he: (i) engages in any activity or activities covered by
1013 this definition for not more than 10 hours during any
1014 reporting period; and (ii) receives less than \$2,500 during

1015 any reporting period, for any activity or activities
1016 covered by this definition.

1017 **SECTION 62.** Section 2 of said chapter 268B of the General
1018 Laws, as so appearing, is hereby amended by inserting after
1019 the words "attorney general," in line 61, the following
1020 words:- inspector general, state secretary,

1021 **SECTION 63.** Section 3 of said chapter 268B of the General
1022 Laws, as so appearing, is hereby amended by striking out,
1023 in lines 4 through 5, inclusive, the words "; provided,
1024 however, that the rules and regulations shall be" and
1025 inserting in place thereof the following words:- ,
1026 including but not

1027 **SECTION 64.** Subsection (a) of section 4 of said chapter
1028 268B of the General Laws, as so appearing, is hereby
1029 amended by striking out the third sentence and inserting in
1030 place thereof the following 2 sentences:- All commission
1031 proceedings and records relating to a preliminary inquiry
1032 or initial staff review to determine whether to initiate an
1033 inquiry shall be confidential, except that the commission
1034 may provide to: (1) the attorney general, the United States
1035 Attorney or a district attorney of competent jurisdiction
1036 information which may be used in a criminal proceeding; (2)
1037 the inspector general information concerning fraud, waste,
1038 or abuse in the expenditure of public funds; (3) the state

1039 secretary information concerning violations of sections 39
1040 to 50, inclusive, of chapter 3; and (4) the director of the
1041 office of campaign and political finance information
1042 concerning violations of chapter 55. Any information
1043 provided by the commission pursuant to this section shall
1044 be confidential in accordance with this section, except
1045 that such information may be used by the officer or agency
1046 to whom it was provided in any investigation or subsequent
1047 proceedings.

1048 **SECTION 65.** Said section 4 of said chapter 268B of the
1049 General Laws, as so appearing, is hereby further amended
1050 by inserting after the word "and", in line 18, the
1051 following words:- within 10 days of such termination

1052 **SECTION 66.** Subsection (c) of said section 4 of said
1053 chapter 268B of the General Laws, as so appearing, is
1054 hereby further amended by inserting at the end thereof the
1055 following sentence:-

1056 The commission shall initiate such an adjudicatory
1057 hearing within 5 years from the date the commission learns
1058 of the alleged violation, but not more than 6 years from
1059 the date of the last conduct relating to the alleged
1060 violation.

1061 **SECTION 67.** Subsection (d) of said section 4 of said
1062 chapter 268B of the General Laws, as so appearing, is

1063 hereby amended by striking out the last sentence and
1064 inserting in place thereof the following sentence:- Such
1065 summonses shall have the same force, and be obeyed in the
1066 same manner, and under the same penalties in case of
1067 default, as if issued by order of a justice of the superior
1068 court and may be quashed only upon motion of the summonsed
1069 party and by order of a justice of the superior court.

1070 **SECTION 68.** Said section 4 of said chapter 268B of the
1071 General Laws, as so appearing, is hereby further amended by
1072 striking out, in lines 73 through 74, inclusive, the words
1073 "two thousand dollars for each violation of this chapter or
1074 said chapter two hundred and sixty-eight A" and inserting
1075 in place thereof the following words:- \$10,000 for each
1076 violation of this chapter or chapter 268A, with the
1077 exception of a violation of section 2 of chapter 268A,
1078 which shall be subject to a civil penalty of not more than
1079 \$25,000

1080 **SECTION 69.** Said section 4 of said chapter 268B of the
1081 General Laws, as so appearing, is hereby further amended by
1082 inserting after the word "order", in line 76, the following
1083 words:- and any order issued by the commission in
1084 accordance with chapter 268A

1085 **SECTION 70.** Said section 4 of said chapter 268B of the
1086 General Laws, as so appearing, is hereby further amended by

1087 inserting after the words "pursuant to this chapter", in
1088 line 77, the following words:- or chapter 268A

1089 **SECTION 71.** Said section 4 of said chapter 268B of the
1090 General Laws, as so appearing, is hereby further amended by
1091 inserting after subsection (k) the following subsection:-
1092 (1) The superior court shall have concurrent jurisdiction
1093 to issue orders under subsection (j) in a civil action
1094 brought by the attorney general. In any such action, an
1095 advisory opinion of the commission under clause (g) of
1096 section 3 shall be binding to the same extent as it is
1097 against the commission under that clause.

1098 **SECTION 72.** Said section 4 said chapter 268B of the General
1099 Laws, as so appearing, is hereby further amended by
1100 striking out, in line 91, the word "twenty" and inserting
1101 in place thereof the following figure:- 30

1102 **SECTION 73.** Section 5 of said chapter 268B of the General
1103 Laws, as so appearing, is hereby amended by inserting after
1104 the word "legislative", in line 68, the following words:-
1105 or executive

1106 **SECTION 74.** Said chapter 268B is hereby further amended by
1107 striking out section 6 and inserting in place thereof the
1108 following section:-
1109 Section 6. No executive or legislative agent shall
1110 knowingly and willfully offer or give to any public

1111 official or public employee or a member of such person's
1112 immediate family, and no public official or public employee
1113 or member of such person's immediate family shall knowingly
1114 and willfully solicit or accept from any executive or
1115 legislative agent, any gift of any kind or nature;
1116 provided, however, that these prohibitions shall not apply
1117 to gifts given by an executive or legislative agent to a
1118 public official or public employee who is a member of his
1119 immediate family or a relative within the third degree of
1120 consanguinity or of such agent's spouse or the spouse of
1121 any such relative.

1122 **SECTION 75.** Section 7 of said chapter 268B of the General
1123 Laws, as appearing in the 2006 Official Edition, is hereby
1124 amended by striking out, in line 7, the words "files a
1125 false" and inserting in place thereof the following words:-
1126 willfully files a materially false

1127 **SECTION 76.** Said section 7 of said chapter 268B of the
1128 General Laws, as so appearing, is hereby further amended by
1129 striking out, in lines 9 through 10, inclusive, the words
1130 "one thousand dollars or by imprisonment in the state
1131 prison for not more than three years" and inserting in
1132 place thereof the following words:- \$10,000, or by
1133 imprisonment in the state prison for not more than 5 years,

1134 or in a jail or house of correction for not more than 2 1/2
1135 years, or both

1136 **SECTION 77.** The General Laws are hereby further amended by
1137 inserting after chapter 277 the following chapter:-

1138 **CHAPTER 277A**

1139 **Statewide Grand Jury**

1140 Section 1. Upon written application of the attorney general
1141 to the chief justice of the superior court department, with
1142 good cause stated therein, the chief justice may authorize
1143 the convening of a statewide grand jury with jurisdiction
1144 extending throughout the commonwealth.

1145 Section 2. The chief justice of the superior court
1146 department shall, upon granting an application, receive
1147 recommendations from the attorney general as to the county
1148 in which the statewide grand jury shall sit. Upon receiving
1149 the attorney general's recommendations, the chief justice
1150 shall choose 1 of those recommended locations as the site
1151 where the grand jury shall sit. Once a county has been
1152 selected, the chief justice shall direct the regional
1153 administrative judge from the county selected to appoint,
1154 and reappoint as necessary, a superior court judge to
1155 preside over the statewide grand jury.

1156 Section 3. The superior court judge presiding over the
1157 grand jury shall consult with the attorney general and

1158 district attorney for the relevant district about the
1159 nature and scope of the investigation and shall thereafter
1160 designate and authorize an existing county grand jury to
1161 serve as a statewide grand jury for purposes of the
1162 investigation specified in the written application, or,
1163 alternatively, convene and preside over a specially
1164 empaneled statewide grand jury.

1165 Section 4. A specially empaneled statewide grand jury shall
1166 be drawn and selected in the same manner as the county
1167 grand jury in the county in which the specially empaneled
1168 statewide grand jury sits. A specially empaneled statewide
1169 grand jury may, at the discretion of the presiding superior
1170 court judge, draw jurors from counties adjoining the one in
1171 which the statewide grand jury is to sit.

1172 Section 5. A specially empaneled statewide grand jury
1173 convened pursuant to this chapter shall sit for a period
1174 not to exceed 18 months. The superior court judge presiding
1175 over the grand jury may extend this period if, in
1176 accordance with section 1A of chapter 277 and section 41 of
1177 chapter 234A, public necessity requires further time by the
1178 grand jury to complete an investigation then in progress.

1179 Section 6. The attorney general or an assistant attorney
1180 general shall attend each session of a statewide grand jury
1181 and may prosecute any indictment returned by it. The

1182 attorney general or assistant attorney general shall have
1183 the same powers and duties in relation to a statewide grand
1184 jury that she has in relation to a county grand jury,
1185 except as otherwise provided by law.

1186 Section 7. Indictments shall be returned in the county
1187 where the statewide grand jury sits and shall thereafter be
1188 transferred to the county specified by the grand jury on
1189 the indictment. Venue for purposes of trial of offenses
1190 indicted by a statewide grand jury shall be in any county
1191 where venue would otherwise be proper.

1192 Section 8. No provision of this chapter shall be construed
1193 as limiting the jurisdiction of county grand juries or
1194 district attorneys in the commonwealth. Except as otherwise
1195 provided by law, an investigation by a statewide grand jury
1196 shall not preempt an investigation by any other grand jury
1197 or agency having jurisdiction over the same subject matter.

1198 **SECTION 78.** Notwithstanding any general or special law to
1199 the contrary, every legislative agent or executive agent as
1200 defined by section 39 of chapter 3 of the General Laws
1201 shall, within 90 days after the effective date of this act,
1202 and every year thereafter, complete an in-person or online
1203 seminar offered by the state secretary in accordance with
1204 section 41 of chapter 3.

1205 **SECTION 79.** Notwithstaning any general or special law to
1206 the contrary, in accordance with section 26 of chapter 268A
1207 of the General Laws within 90 days after the effective date
1208 of this act every state, county, and municipal employee
1209 shall be provided a summary of chapter 268A prepared by the
1210 state ethics commission and shall file a written
1211 acknowledgment as required by that section.

1212 **SECTION 80.** Notwithstaning any general or special law to
1213 the contrary, within 120 days after the effective date of
1214 this act, each municipality shall provide written
1215 notification to the state ethics commission of the liaison
1216 designated under section 28 of chapter 268A of the General
1217 Laws.

1218 **SECTION 81.**Notwithstaning any general or special law to the
1219 contrary, there shall be there shall be a special
1220 commission to study the creation of new independent office
1221 of public accountability which would function as the single
1222 state entity for the administration and enforcement of the
1223 provisions of law currently administered and enforced by
1224 the state ethics commission, the office of campaign and
1225 political finance and the lobbyist division of the office
1226 of the secretary of state. Said commission shall consider,

1227 without limitation, the cost of establishing such an office
1228 and the potential cost savings from efficiencies.

1229 The special commission shall consist of: the secretary
1230 of the commonwealth, or his designee; the secretary of the
1231 executive of office administration and finance, or his
1232 designee; the director of the office of campaign and
1233 political finance, or his designee; the diectror of the
1234 state ethics commission, or his designee, 2 members of the
1235 senate to be appointed by the senate president; 2 members
1236 of the house to be appointed by the speaker of the house of
1237 representatives; 1 member of the senate appointed by the
1238 minority leader of the senate; 1 member of the house
1239 appointed by the minority leader of the house of
1240 representatives; and 3 members to be appointed by the
1241 governor. The special commission shall report to the
1242 general court the results of its investigation and study,
1243 together with recommendations and drafts of legislation
1244 necessary to carry out any recommendations, if any, by
1245 filing a report with the clerks of the senate and the house
1246 of representatives on or before July 31, 2010.

1247 **SECTION 82.** Sections 14-34 of this act shall take effect on
1248 January 1, 2010.

1249 **SECTION 83.** Section 77 of this act shall expire on December
1250 31, 2012.